

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Hans Adams et al.
Serial No: 10/598,963
Filing Date: September 15, 2006
Title: QUICK-OPERATING VALVE
Examiner: Tien Hung Mai
Art Unit: 2836

Docket No. VKSWP0102US

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Don W. Bulson/
By _____

Don W. Bulson, Reg. No. 28,192
Attorney of Record

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

\\WV\KSR\APP\0102\PT\0018 HDR.docx

ADDENDUM TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

The review is requested for the following reasons.

Clear Error No. 1

Claims 1 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,998,177 ("Takizawa") in view of US 4,291,358 ("Dettmann") and US 5,164,872 ("Howell"). The Examiner states "Takizawa does not explicitly disclose the electromagnetic solenoid drive apparatus for a valve; rather it is for auto-door lock device." The Examiner turns to Dettmann for disclosure of a magnetic valve with electronic control.

The Examiner contended "[t]he claim would have been obvious **because market forces provide a reason to make an adaptation** of the Takizawa solenoid drive modified according to teachings of Dettmann magnetic valve, since **it would expand a market niche for the manufacturers of such system**, and such application resulted from use of the prior knowledge in a predictable manner will bring quite predictable results." (emphasis added)

The Examiner, however, has provided absolutely NO evidence of the "market forces" to which the Examiner refers, nor any evidence of a market niche that would be expanded. Consequently, the rejection is void of any evidence supporting the Examiner's conclusion of obviousness. Therefore, the rejection of claims 1 and 5 is fatally flawed.

Clear Error No. 2

Claims 6 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Takizawa in view of Dettmann. The Examiner states "Takizawa does not explicitly disclose the electromagnetic solenoid drive apparatus for a valve; rather it is for auto-door lock device." The Examiner turns to Dettmann for disclosure of a magnetic valve with electronic control.

The Examiner contended "[t]he claim would have been obvious **because market forces provide a reason to make an adaptation** of the Takizawa solenoid drive modified according to teachings of Dettmann magnetic valve, since **it would expand a market niche for the manufacturers of such system**, and such application resulted from use of the prior knowledge in a predictable manner will bring quite predictable results." (emphasis added)

The Examiner, however, has provided absolutely NO evidence of the "market forces" to which the Examiner refers, nor any evidence of a market niche that would be expanded. Consequently, the rejection is void of any evidence supporting the Examiner's conclusion of obviousness. Therefore, the rejection of claims 1 and 5 is fatally flawed.

Clear Error No. 3

In connection with the rejection of claim 1, the Examiner states "Takizawa does not explicitly disclose the electronic switches are driven simultaneously into the closing state." The Examiner then states:

Howell discloses a voltage-dependent resistor including a plurality of electronic switches (30 and 70) connected in series in the form of a cascade, said the electronic switches bridging a voltage-dependent device (42), wherein the electronic switches are driven simultaneously into closing state by a control circuit (36) via signal line (38) (see fig. 5). However, Takizawa's solution works properly only with DC power supply. If the solenoid requires AC power supply Takizawa's solution should be modified with Howell's solution which capable of driving AC current. In the Howell's circuit, the combination of two electronic switches (30 and 70 in fig. 5) can efficiently control the AC current while both electronic switches are driven by the same control signal (38). When the circuit of Takizawa may be modified by replacing each one of driving transistor (28 and 30) directionally switch according to Howell. In the obtained circuit each of the electronic switches of Howell bridging a series resistor. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the solenoid drive circuit of Takizawa because suggested of modification of Takizawa according to Howell will allow driving the solenoid by AC current when the solenoid requires AC current.

As is evident from the foregoing, the rejection is premised on modifying the solenoid drive circuit of Takizawa to allow for driving the solenoid with AC current. Takizawa, however, discloses an electromagnetic solenoid drive apparatus for use in a vehicle for turning on an electromagnetic solenoid from a battery every time when a command switch is turned on. Modifying the solenoid drive apparatus as proposed by the Examiner would render such device totally unsuitable for use in its intended manner. That is, it would no longer be usable with a battery in a vehicle that does not supply AC current.

Other Errors

The rejections advanced by the Examiner are also deficient for other reasons. The foregoing, however, are readily evident from a cursory review of the final Office Action. The combinations advanced by the Examiner do not render obvious the subject matter of the claims.